

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Zaghouani, H. ) Group Art Unit 1644  
Appl. No. : 09/111,123 ) CERTIFICATE OF FAX TRANSMISSION  
Filed : July 6, 1998 ) I hereby certify that this correspondence and all  
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FACTORS )  
Examiner : NOLAN, P. )

October 21, 1999

(Date)

James J. Mulvan III, Ph.D., Reg. No. 44,957

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to the requirement for restriction dated September 21, 1999, Applicants provisionally elect, with traverse, to prosecute the claims of Group I. Group I, as noted by the Examiner in the subject Official Action, comprises Claims 1-7, which are drawn to a fusion polypeptide, classified in class 512, subclass 12. Notwithstanding the provisional election, Applicants respectfully reserve the right to rejoin any nonelected claims in view of the rejoinder doctrine articulated by the Federal Circuit in *In re Ochiai*, 77 F.3d 1565 (1995), and in *In re Browner*, 77 F.3d 422 (1996), and as discussed in Section 821.04 of the MPEP.

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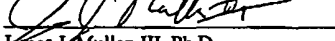
Appl. No. : 09/111,123  
Filed : July 6, 1998

No fees are seen as being necessary in connection with this Response. However, the Commissioner is authorized to charge any fees in connection with this paper to Deposit Account No. 11-1410. A copy of the accompanying transmittal is attached for this purpose.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 21 OCT 1999

By:   
James J. Mullen III, Ph.D.  
Registration No. 44,957  
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## RESPONSE TO WRITTEN RESTRICTION REQUIREMENT

TO: Examiner P. Nolan  
FIRM: USPTO - GROUP ART UNIT 1644  
FACSIMILE NO.: (1-703-305-3704)  
FROM: James J. Mullen III, Ph.D., Reg. # 44,957  
OUR REFERENCE NO.: ALLIA.143CP2  
TOTAL NUMBER OF PAGES: 5 (INCLUDING COVER SHEET)  
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MESSAGE: Attached for filing in Application No. 09/111,123; filing date July 6, 1998 are:  
Transmittal in duplicate;  
Restriction Requirement in 2 pages.

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10/21/99

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PATENT

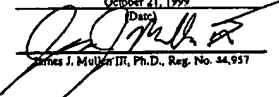
Case Docket No. ALLIA.143CP2  
Date: October 21, 1999

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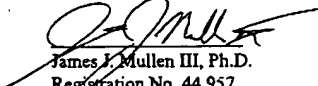
TRANSMITTAL LETTER

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

Dear Sir:

Enclosed for filing in the above-identified application are:

- (X) Response to Restriction Requirement in 2 pages.
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410. A duplicate copy of this sheet is enclosed.
- (X) Return prepaid postcard.

  
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